

**DURHAM, NORTH CAROLINA  
MONDAY, NOVEMBER 17, 2008  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Absent: None.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the pledge of allegiance led by Council Member Clement.

Mayor Bell announced the Legislative Committee will meet Friday, November 21, 2008 at 10:00 am in the City Council Conference Room.

Mayor Pro Tempore Cole-McFadden announced she attended the NLC Conference in Orlando, Florida and shared that one of the primary issues that everyone is dealing with is sustainability/green cities. She reported all attendees at the conference received a conference bag made from recycled billboards. She stated she would like to see the City address the issue of poverty in a comprehensive manner and compile a master plan for our youth.

Council Member Clement acknowledged the work of the taxicab administration and announced his participation at the workshop held at the DATA Center. He requested a report concerning the alleged incident involving police officers making derogatory statements on their MySpace page against President-Elect Barak Obama.

City Manager Bonfield reported there will not be a report this evening since the Police Department and Police Chief are actively investigating allegations and to the extent that the law allows the results of that investigation will be completely transparent.

Council Member Woodard announced he attended two Veterans Day programs and thanked all veterans for their service.

Council Member Ali commented on his attendance at the TROSA graduation and congratulated Omega Psi Phi on its 97th birthday.

Council Member Brown thanked the Neighborhood Improvement Services Department for hosting a Landlord Training Workshop and made comments on the incident regarding several police officers.

Mayor Pro Tem Cole-McFadden made comments on the diversity training that has been

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provided to all City employees.

Mayor Bell thanked his colleagues for their participation in activities described this evening.

Mayor Bell asked the City Manager, City Attorney and City Clerk for priority items. City Manager Bonfield congratulated Electrical Inspector Don Hursey for receiving the North Carolina Ellis Cannady Chapter "Inspector of the Year" Award and announced that the Durham Performing Arts Center has been completely accepted and turned over to the operator Nederlander/PFM.

There were no priority items from the City Attorney and City Clerk.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. No items were pulled from the Consent Agenda.

**MOTION** by Council Member Woodard seconded by Council Member Catotti to approve the Consent Agenda was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: HUMAN RELATIONS COMMISSION - RECEIVE AND ACCEPTANCE OF APPLICATIONS**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to receive and accept applications for citizens to fill two (2) vacancies on the Human Relations Commission for minority females with the terms to expire June 30, 2010 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: BOARD OF ADJUSTMENT - RECEIVE AND ACCEPT AN APPLICATION**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to receive and accept an application for the Board of Adjustment for an alternate member with the term to expire on June 30, 2009 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: CABLE TV ADVISORY BOARD - REAPPOINTMENT**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to reappoint Warren Herndon to the Cable TV Advisory Board with the term to expire on October 31, 2010

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was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: BIDS – POLICE & FIRE VEHICLES - VIC BAILEY FORD**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to accept the bid from Vic Bailey Ford, in the amount of \$1,079,575.00 for providing the City with 46 Police Patrol Vehicles (Item No. 1), 2 Police Pursuit Vehicles with ballistic door panels (Item No. 2), and 3 Police/Fire Pursuit Vehicles (Item No. 3);

To authorize the City Manager to enter into a contract with Vic Bailey Ford, in the amount of \$1,079,575.00 for providing the City with 46 Police Patrol Vehicles (Item No. 1), 2 Police Pursuit Vehicles with ballistic door panels (Item No. 2), and 3 Police/Fire Pursuit Vehicles (Item No. 3); and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: BIDS – TWO COMBINATION CATCH BASIN VACUUM & SEWER CLEANING MACHINES - BRUDER/SARPE, INC.**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to accept the bid from Bruder/Sarpe, Inc. in the amount of \$318,116.00 for providing the City with two Combination Catch Basin Vacuum & Sewer Cleaning Machines;

To authorize the City Manager to enter into a contract with Bruder/Sarpe, Inc. in the amount of \$318,116.00 for providing the City with two Combination Catch Basin Vacuum & Sewer Cleaning Machines; and

To authorize the City Manager to modify the contracts before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: BIDS – FOUR FRONT LOADING REFUSE COLLECTION TRUCKS - SOUTHERN TRUCK SERVICE, INC.**

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**MOTION** by Council Member Woodard seconded by Council Member Catotti to accept the bid from Southern Truck Service, Inc. in the amount of \$953,495.00 for providing the City with four Front Loading Refuse Collection Trucks;

To authorize the City Manager to enter into a contract with Southern Truck Service, Inc. in the amount of \$953,495.00 for providing the City with four Front Loading Refuse Collection Trucks; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: STREET CLOSING - 75 LINEAR FEET OF COOKE STREET  
(SC0800013)**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to adopt a resolution to set a public hearing on the proposed closing of 75 linear feet of Cooke Street for December 15, 2008 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Resolution #9614**

**SUBJECT: SETTING PUBLIC HEARING TO CONSIDER ORDERING  
IMPROVEMENT UNDER ENABLING ACT AUTHORITY**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to adopt a resolution setting a public hearing for December 1, 2008, for a Water Main on Donphil Road from Brenda Court to Gatewood Drive was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: THE HOUSING AUTHORITY OF THE CITY OF DURHAM 2008-09  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
SUBRECIPIENT CONTRACT**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to authorize the expenditure of CDBG funds in an amount not to exceed \$40,000.00;

To authorize the City Manager to execute an CDBG Subrecipient Agreement with Durham Housing Authority (DHA) to manage their Community Learning Center Teen Initiative; and

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To authorize the City Manager make changes to the contract documents that do not increase the contract amount, lessen the subrecipient's duties, or extend the term of the contract more than 6 months beyond the date of the original contract term was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: COMMUNITY HEALTH COALITION, INC. RESOLUTION**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to endorse the Community Health Coalition, Inc., Resolution promoting health and reduce preventable death and disease in Durham's African American population was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: DEVELOPMENT REVIEW PROCESS IMPROVEMENT UPDATE FOR OCTOBER 2008**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to receive a report on alternatives that the Administration is considering to improve the efficiency and effectiveness of the development review process was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: PROPOSED SALE OF PARCELS #113385 AND #113384, ERWIN FIELD PARK TO DUKE UNIVERSITY**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to declare the parcels Tax ID # 113385 and #113384 as shown on Attachment A to be surplus property;

To authorize the sale of parcel # 113385 by private sale under the authority of Section 86 of the City Charter;

To accept the offer of \$700,000.00 from Duke University to purchase parcel # 113385 as shown on Exhibit A with the condition that a public access easement be reserved by the City;

To authorize the sale of parcel #113384 by private sale under the authority of G.S. 160A-279 and procedural requirements of G.S. 160A-267;

To accept the offer of \$100,000.00 from Duke to purchase parcel #113384 contingent upon approval of the Land and Water Conservation Fund (LWCF) conversion application from the North Carolina Department of Natural Resources and the U. S. National Park Service; and

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To authorize the City Manager to execute the sales agreement with Duke University and to make changes provided the changes do not decrease the purchase price and are consistent with the intent of this agenda item was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: 2008 TARGET GRANT AWARD**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to accept the 2008 Target Grant and execute the grant documents; and

To adopt the 2008 Target Grant Project Ordinance in the amount of \$1,300.00 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13738**

**SUBJECT: CONTRACT FOR REIMBURSEMENT OF COST INCURRED FOR LAW ENFORCEMENT ASSISTANCE AND ACCOMPANYING GRANT PROJECT ORDINANCE – TOWN OF CHAPEL HILL**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to accept the City of Durham and Town of Chapel Hill Grant by executing the grant documents;

To adopt the City of Durham and Town of Chapel Hill Grant Project Ordinance for Temporary Law Enforcement Assistance during the Halloween event on Friday, October 31, 2008;

To authorize the City Manager to execute a contract with the Town of Chapel Hill for Reimbursement of Costs Incurred for Law Enforcement Assistance; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13739**

**SUBJECT: STREET ACCEPTANCE – WATKINS ROAD**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to accept the street on the list for maintenance by the City of Durham was approved at 7:20 p.m. by the

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following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Watkins Road

Watkins Road – from the centerline of Witherspoon Boulevard west to the end of construction (1,373’.)

**SUBJECT: WATERSHED PLANNING AND DESIGN CONTRACT FOR THIRD FORK CREEK WATERSHED - TETRA TECH**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to negotiate and execute a contract with Tetra Tech in an amount up to \$1,164,302.00 for the Third Fork Creek Project generally consistent with the scope of services;

To establish a contingency fund of \$116,433.00 (10%);

To authorize the City Manager to negotiate addendums provided that the cost of all addendums do not exceed \$116,433.00 and the total project cost does not exceed \$1,280,735.00; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: CONTRACT EXTENSION FOR WATER AND WASTEWATER SLUDGE REMOVAL, LAND APPLICATION AND ASSOCIATED SERVICES WITH SYNAGRO CENTRAL, LLC**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute Contract Amendment #2 with Synagro Central, LLC for the Water and Wastewater Sludge Removal, Land Application and Associated Services Contract to extend the term of the contract to June 30, 2009; and

To authorize the City Manager to make changes to the contract before execution provided the changes do not increase the amount to be paid by the City and do not decrease the goods and services to be provided to the City was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: RESOLUTION MEMORIALIZING ALEXANDER M. RIVERA, JR.**

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**MOTION** by Council Member Woodard seconded by Council Member Catotti to adopt a Resolution Memorializing Alexander M. Rivera, Jr. was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Resolution #9615**

**SUBJECT: ORDINANCE RESCHEDULING THE REGULAR CITY COUNCIL MEETING FROM TUESDAY, JANUARY 20, 2009 TO WEDNESDAY, JANUARY 21, 2009**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to adopt an Ordinance Rescheduling the Regular City Council Meeting from Tuesday, January 20, 2009 to Wednesday, January 21, 2009 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13740**

**The City Council disposed of the following agenda items at the November 6, 2008 Work Session:**

**13. Interlocal Agreement with Durham County Regarding the Central Warrant Control Office**

To authorize the City Manager to execute an interlocal agreement with Durham County and the Sheriff of Durham County in the amount of \$341,305.00 to provide funding and operation of a central Warrant Control Office; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the existing version of the agreement.

*(This item was approved at the 11-06-08 Work Session with a vote of 7/0)*

**19. Extension of Contract with Kilpatrick Stockton for Representation and Other Legal Services Related to the Jordan Rules**

To authorize the City Manager to extend the existing agreement (letter of engagement) with Kilpatrick Stockton to provide for an additional \$100,000.00 of legal services related to the Jordan Rules; and



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To authorize the City Manager to make minor modifications to such an agreement provided that the modifications do not increase the dollar amount authorized.

*(This item was approved at the 11-06-08 Work Session with a vote of 7/0)*

**21. FY 2009 1st Quarter Financial Report and Financial Update**

To receive the FY 2009 1st Quarter Financial Report and Financial Update.

*(A presentation was received at the 11-06-08 Work Session)*

**22. Program Management Services Update to City Council**

To receive a presentation and accept the Program Management Services update by MWH Americas, Inc.

*(A presentation was received at the 11-06-08 Work Session)*

**32. Historic Landmarks, Tax Information**

To receive a presentation on the Historic Landmarks, Tax Information.

*(A presentation was received at the 11-06-08 Work Session)*

**33. Draft Central Durham Gateways Plan**

To receive a presentation on the Draft Central Durham Gateways Plan.

*(A presentation was received at the 11-06-08 Work Session)*

**35. Pictometry Federal Grant Appropriation**

To adopt a Budget Ordinance Amending the FY 2008-09 City of Durham Budget Ordinance, the same being Ordinance #13648.

*(This item was approved at the 11-06-08 Work Session with a vote of 7/0)* **Ordinance #13737**

**36. Amendments to Durham Performing Arts Center Operating Agreement to Increase the Pre-Opening Budget**

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To authorize the City Manager to execute a second amendment to the DPAC Operating Agreement with Nederlander/PFM to make effective the obligations of the City and Operator as required under the Robert D. Teer, Jr. naming rights sponsorship agreement;

To authorize the City Manager to execute a third amendment to the DPAC Operating Agreement with Nederland/PFM to increase City's contribution to the pre-opening budget from \$500,000.00 to \$600,000.00 and to add a delegate to the Operator operating responsibility for the Plensa public art planned to be installed on the DPAC Plaza; and

To authorize the City Manager to make changes to the amendments to the DPAC Operating Agreement prior to execution provided the changes do not increase the City's financial compensation or substantively change the duties and the obligations of the City or Operator under the amendments approved by City Council.

*(This item was approved at the 11-06-08 Work Session with a vote of 7/0)*

#### **[GENERAL BUSINESS AGENDA]**

#### **SUBJECT: BEER AND WINE PRIVILEGE LICENSE ISSUANCE**

To approve the local Beer and Wine Privilege Licenses for listed establishments.

Council Member Clement asked staff what is the status of the process at it relates to the report given at the Work Session.

City Attorney Patrick Baker requested that the applicants--Halam Mini Mart, El Palenque, Rumba 54, and Stop N Go Mini Mart--be pulled off the list for further review to determine whether or not they are acceptable candidates for a quasi-judicial hearing to be held by the City Council to renew their business license. He further reported staff will meet with the local ABC Board to review and compare notes of the Police Department in order make a recommendation to Council in two cycles.

Council Member Clement stated he would be voting against this item. He stated there are too many of these beer and wine vendors located in fragile neighborhoods and there should be some mechanism to cleanse these neighborhoods of bad influences.

**MOTION** by Council Member Clement seconded by Council Member Woodard to approve the local Beer and Wine Privilege Licenses for listed establishments with the exception of Stop N Go Mini Mart located at 114 W. Enterprise Street; Rumba 54 located at 2223 Highway 54; El Palenque located at 4226 Garrett Road and Halam Mini Mart located at 614 Lakeland Street was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti and Woodard. Noes: Council Member Clement. Absent: None.

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<b>Status</b>	<b>Acct Name</b>	<b>Physical Address</b>	<b>Type</b>
Renewal	Wilco #191	803 E Geer St	Convenience Store
Renewal	Wilco #195	1400 Miami Blvd	Convenience Store
Renewal	Lowes Food Store Inc #426	1001 N. Miami Blvd	Grocery Store
Renewal	Canal Street Grocery	508 Canal St	Grocery Store
Renewal	Town Deli Grocery #1	801 N Alston Ave	Convenience Store
Renewal	Bekee Food Store & Grill	1302 Fay St	Restaurant
Renewal	M&M Mini Mart	2128 Angier Ave	Convenience Store
Renewal	El Toro Club	608 S Hoover Rd	Club
Renewal	Lighthouse Food Mart #101	2944 Holloway St	Convenience Store
Renewal	Tommy's Mini Mart #10	1701 S Miami Blvd	Convenience Store
Renewal	Crossing at Grove Park	4023 Old Wake Forest Hwy	Restaurant
Renewal	Cozart's Food and Produce	2717 Cheek Rd	Convenience Store
Renewal	Holloway Street Food Mart	1026 Holloway St	Convenience
Renewal	Chino Latino Restaurant	2900 Holloway St	Restaurant
Renewal	Kwik Stop Food Mart	1600 Holloway St	Convenience
Renewal	Latin American Food	2502 Holloway St	Restaurant
Renewal	Village Bowling Lane	330 Hardee St	Bowling Lane
Renewal	I-85 Amoco Shop	2108 Avondale Dr	Convenience
Renewal	Hong Kong Super Buffett	307 Foushee St	Restaurant
Renewal	Durham Coca Cola Bottling Co	1716 Camden Ave	Bottling Company
Renewal	Joyland BP	2406 Holloway St	Convenience
Renewal	Bethesda BP	1529 S Miami Blvd	Convenience
Renewal	Community Store	106 S Guthrie Ave	Convenience Store
Renewal	Mi Barro Mexican Restaurant	5023 Wake Forest Hwy	Restaurant
Renewal	Los Primos Supermarket	1109 E Main St	Grocery Store
Renewal	Etna #3162	2301 Holloway St	Convenience Store
Renewal	Rose Mart #205	5108 Wake Forest Hwy	Convenience Store
Renewal	Food Lion #2589	121 Sherron Rd	Grocery Store
Renewal	Jose Jr Records	2202 Avondale Ave	Retail
Renewal	Wellons Village Family Fare	921 N Miami Blvd	Convenience

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Renewal	Pop A Top	220 Chandler Rd	Restaurant
Renewal	Pie Squared Pizza	121 Sherron Rd	Restaurant
Renewal	Plaza Garibald	315 Foushee St	Restaurant
Renewal	Caroco #1	702 N Alston Ave	Convenience Store
Renewal	Colonial Village Family Fare #196	2110 N. Roxboro Road	Convenience
Renewal	Falls Village Golf	115 Falls Village Lane	Country Club
Renewal	E & B Discounts	3302 Cheek Rd.	Discount Retailer
Renewal	Taqueria Mi Pueblo	1408 Avondale Drive	Convenience Store
Renewal	Star Carolina Food Mart, LLC	204 Hardee St	Convenience Store
Renewal	Kerr Drug Store #405	1812 Holloway St	Drug Store
Renewal	Compare Foods	2000 Avondale Drive	Grocery Store
Renewal	El Pantano Sport Bar	1000 East Geer Street	Bar
Renewal	Family Food Mart	1204 Worth St	Convenience Store
Renewal	Las Palmas Mexican Restaurant	3801 Wake Forest Hwy	Restaurant
Renewal	El Salvador Restaurant & Mexican	1002 East Geer St	Restaurant
Renewal	Taqueria El Paraiso	111 South Alston Avenue	Restaurant
Renewal	Crossing Golf Club (The)	4023 Wake Forest Hwy	Country Club
Renewal	New Way Food	1907 Cheek Rd	Convenience Store
Renewal	Cross Roads Express	1007 N Miami Blvd	Convenience Store
New	Chopstix Chinese Restaurant	2000 Avondale Dr., Unit B	Restaurant
Renewal	Chopstix Chinese Restaurant	2000 Avondale Dr., Unit B	Restaurant
New	La Fondita, LLC	2000 Avondale Dr., Suite D	Restaurant
New	Buy Quick Food Mart	419 S Briggs Ave	Convenience Store
New	New York Mini Mart	2929 Angier Ave	Convenience Store
New	Steel Blue	1426-A South Miami Blvd	Club
		<b>Total PAC 1</b>	<b>55</b>
Renewal	Kroger #332	3457 Hillsborough Rd	Grocery Store
Renewal	Kroger #366	1802 N Pointe Dr	Grocery Store
Renewal	Tripps	918 W Club Blvd	Restaurant
Renewal	Blue Express- Duke University	LSRC B110 LaSalle St Extension	Restaurant
Renewal	Triangle D Food Mart #4	403 W Trinity Ave	Convenience Store
Renewal	Ruby Tuesday #2760	1058 W Club Blvd	Restaurant
Renewal	Yamato Japanese Seafood & Steak	1058 W Club Blvd, Ste 232	Restaurant

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Renewal	American Legion Post #7	406 E Trinity Ave	Club
Renewal	Upchurch Drugs	5112 N Roxboro Rd	Drug Store
Renewal	Las Palmas Mexican Restaurant #2	3814 N Duke St	Restaurant
Renewal	King's Red & White	1305 E Club Blvd	Grocery Store
Renewal	North Durham Citgo	4535 N Roxboro Rd	Convenience Store
Renewal	The Pantry	4604 N Roxboro Rd	Convenience Store
Renewal	Papa's Grill	1821 Hillandale Rd	Restaurant
Renewal	Kim Son	2425 Guess Rd	Restaurant
Renewal	Bamboo House	3600 N Duke St	Restaurant
Renewal	Magnolia Restaurant	1002 Ninth St	Restaurant
Renewal	Shanghai Restaurant	3433 Hillsborough Rd	Restaurant
Renewal	Fast Food Mart #3	2106 Broad St	Restaurant
Renewal	Homestead BP	2918 Guess Rd	Convenience
Renewal	Tommy's Mini Mart	1832 Cole Mill Rd	Convenience Store
Renewal	One Hop Food Mart	2021 Guess Rd	Convenience Store
Renewal	Hong Kong Chinese Restaurant	3003 Guess Rd	Restaurant
Renewal	Italian Pizzeria Restaurant	3823 Guess Rd	Restaurant
Renewal	Umstead Rd BP	5109 Guess Rd	Convenience
Renewal	Jump Shot Billards LLC	3405 Hillsborough Rd, Ste E	Pool Room
Renewal	Wade's Texaco Service	1911 Guess Rd	Convenience
Renewal	Elmo's Diner	776 Ninth St	Restaurant
Renewal	Country Store	4630 Hillsborough Rd	Convenience
Renewal	Croasdaile BP	1815 Hillandale Rd	Convenience
Renewal	Duke Street BP	3804 N Duke St	Convenience
Renewal	Eno BP	5292 N Roxboro Rd	Convenience
Renewal	Bragtown BP	3101 N Roxboro Rd	Convenience
Renewal	El Corral Mexican Restaurant	1821 Hillandale Road	Restaurant
Renewal	Golf Shop	1600 Hillandale Rd	Golf Shop
Renewal	Pizza Palace of Durham	3218 Guess Rd	Restaurant
Renewal	EP East Campus	805 Broad St	Convenience
Renewal	La Maraka	3169 Hillsborough Rd	Restaurant
Renewal	Kroger Limited Partnership I #33	5116 N Roxboro Rd	Grocery Store
Renewal	Food Lion #747	3500 N Roxboro Rd	Grocery Store
Renewal	Food Lion #420	3808 Guess Rd	Grocery Store
Renewal	Food Lion #1099	2930 W Main St	Grocery Store
Renewal	Food Lion #57	5279 N Roxboro Rd	Grocery Store
Renewal	Harris Teeter #114	3823 Guess Rd	Grocery Store
Renewal	Hilton Hotel	3800 Hillsborough Rd	Hotel

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Renewal	Rite Aid #11403	1505 Broad St	Drug Store
Renewal	Rite Aid #11404	200 N Lasalle St	Drug Store
Renewal	Costco	1510 Northpointe Dr	Discount Retailer
Renewal	Don Cecilios Mexican Grill	5279 N Roxboro Rd	Restaurant
Renewal	Croasdaile Country Club	3800 Farm Gate Ave	Golf Club
Renewal	Exxon Food Shop #13	4401 N Roxboro Rd	Convenience Store
Renewal	Texaco Food Shop # 21	3875 Hillsborough Rd	Convenience Store
Renewal	Exxon Food Shop #23	100 Latta Rd	Convenience Store
Renewal	Rite Aid #11407	5319 Roxboro Rd	Drug Store
Renewal	Rudino's Pizza & Grinders	1515 Northpointe Dr	Restaurant
Renewal	Durham Food Mart	407 Old Oxford Hwy	Convenience Store
Renewal	Shop N Go Food Mart	4640 Hillsborough Rd	Convenience
Renewal	Kangaroo Express #3091	3705 N Duke St	Convenience Store
Renewal	Kangaroo Express #3442	3301 Guess Rd	Convenience Store
Renewal	Dales Indian Cuisine	811 Ninth Street	Restaurant
Renewal	Don Becerra	2301 N Roxboro Rd	Convenience Store
Renewal	Manbites Dog Theater	703 Foster St	Theater
Renewal	Toreros Mexican Restaurant	3808 Guess Rd	Restaurant
Renewal	Texas Roadhouse	1809 Northpointe Dr	Restaurant
Renewal	Handi Food	518 E Trinity Ave	Convenience Store
Renewal	North Durham Mobil	5100 Guess Rd	Convenience Store
Renewal	Tienda Salvadorena Kimberly	3117 A Guess Rd	Convenience
Renewal	Bali Hai Mongolian Grill	811 Ninth Street	Restaurant
Renewal	Sirens Lounge	1803 W Markham Ave	Club
Renewal	Cole Mill Billiards	1647 Cole Mill Road	Billiards
Renewal	Viva La Raza	324 W Geer St	Convenience
Renewal	Han Dee Hugo (77)	1203 W Club Blvd	Convenience
Renewal	Sabor Latina	4528 N. Roxboro Road	Bar
Renewal	Hussco #1	2905 Hillsborough Rd	Convenience Store
Renewal	Bowlings Exxon	4530 N. Roxboro Road	Convenience Store
Renewal	Tienda Mi Pueblo	1418 Avondale Dr	Store
Renewal	Green Room (The)	1108 Broad Street	Bar

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Renewal	Joy Food Store	2109 N Roxboro Rd	Convenience Store
Renewal	Cruizers #32	3446 Hillsborough Rd	Convenience Store
Renewal	Italian Pizzeria	3500 N. Roxboro Street	Restaurant
Renewal	Kerr Drug # 407	3600 N Duke St	Drug Store
Renewal	Cross Creek Convenience	3834 Guess Rd	Convenience Store
Renewal	Courtyard by Marriott Durham	1815 Front Street	Hotel
Renewal	BP Roxboro Rd	2211 N Roxboro Rd	Convenience Store
Renewal	Esquire Lounge	704 Rigsbee Avenue	Lounge
Renewal	Broad Street Café	1116 Broad St	Café
Renewal	Thrills From The Grills	2827 North Roxboro Road	Caterer
Renewal	Dain's Place	2211 Hillsborough Rd	Restaurant
Renewal	Cattlemans Steakhouse	3520 Hillsborough Road	Restaurant
Renewal	Treyburn Country Club	1 Old Trail Dr	Country Club
Renewal	One Hop Food Mart	370 Old Oxford Hwy	Convenience Store
Renewal	Carniceria Y Tienda Guerrero	2929 N. Roxboro St.	Grocery Store
Renewal	Blu Seafood and Bar	2002 Hillsborough Rd	Restaurant
Renewal	Big Pig Chicken and BBQ Restaurant	2701 Hillsborough Road	Restaurant
Renewal	Dragon Inn	3823 Guess Rd	Restaurant
Renewal	Town N Country #1	1423 E Club Blvd	Convenience Store
Renewal	Watts Grocery	1116 Broad St	Grocery Store
Renewal	Vin Rouge	2010 Hillsborough Rd	Restaurant
Renewal	PK's Sport Bar & Billiards	105 Infinity Rd	Billiards
Renewal	Palace International Restaurant & Catering	1104 Broad St., Ste A	Restaurant
Renewal	Palace International Restaurant & Catering	1104 Broad St., Ste A	Restaurant
New	Nice & Easy Food Market	201 E Geer St	Convenience Store
Renewal	Nice & Easy Food Market	201 E Geer St	Convenience Store
New	Pomodoro Italian Kitchen	1811 Hillandale Rd	Restaurant
Renewal	Pomodoro Italian Kitchen	1811 Hillandale Rd	Restaurant
New	La Superior Meat Market	3325 N Roxboro Rd	Grocery Store
New	La Superior	2842 N Roxboro Rd	Grocery Store
New	Isla Bonita	2201 N Roxboro Rd	Restaurant
New	Baja Bistro	1058 W Club Blvd., Space 540	Restaurant
New	Variedades Mi Barrio	2413 Guess Rd	Convenience

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			Store
New	Sirens Lounge	1803 W Markham Ave	Club
New	Quick Mart	3801 N. Duke Street	Convenience
New	Wal Mart Store 1614	3500 Roxboro St	Retail Store
New	Two Brothers Convenience Store	3310 Dearborn Dr	Convenience
		<b>Total PAC 2</b>	<b>114</b>
Renewal	Fuddruckers Restaurant #301	1809 Martin Luther King Pkwy	Restaurant
Renewal	Tops Shell Mart #14	6007 Farrington Rd	Convenience Store
Renewal	University Market	1108 W Chapel Hill St	Convenience Store
Renewal	West Campus BP	2432 Erwin Rd	Convenience Store
Renewal	Boulevard BP	2685 Durham Chapel Hill Blvd	Convenience Store
Renewal	Uncle Harry's General Store	1917 Yearby Avenue	Convenience Store
Renewal	Hope Valley BP	4148 Old Chapel Hill Rd	Convenience Store
Renewal	Bennett Pointe Grill	4625 Hillsborough Rd	Restaurant
Renewal	Francescas Italian Grille	2530 Erwin Rd	Restaurant
Renewal	Millennium Hotel Durham	2800 Campus Walk Ave	Restaurant
Renewal	Stop N Go	2526 Erwin Rd	Convenience Store
Renewal	Westside BP	3511 Hillsborough Rd	Convenience Store
Renewal	Outback Steakhouse of Durham	3500 Mt. Moriah Rd	Restaurant
Renewal	Metro Express Market & Grill	2500 Erwin Rd	Convenience Store
Renewal	El Cuscatleco	4212 Garrett Rd	Restaurant
Renewal	Garrett Road BP	4525 Durham Chapel Hill Blvd	Convenience Store
Renewal	Durham Pizza Restaurant	4707 Hillsborough Rd	Restaurant
Renewal	Washington Duke Inn & Golf	3001 Cameron Blvd	Hotel
Renewal	Foster's Market	2694 Durham Chapel Hill Blvd	Convenience Store
Renewal	West 94th Street Pub	4711 Hope Valley Rd	Bar
Renewal	Fast Food Mart #2	2947 Chapel Hill Rd	Convenience Store
Renewal	Saladelia Café	4201 University Dr	Restaurant
Renewal	Spartacus of Durham	4139 Durham Chapel Hill Blvd	Restaurant
Renewal	Nana's Restaurant	2514 University Dr	Restaurant
Renewal	China Palace Restaurant	5210 Garrett Rd	Restaurant
Renewal	Neo China Restaurant	4015 University Dr	Restaurant



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Renewal	Walkers Grocery	1003 1/2 Morehead Av	Convenience Store
Renewal	Yamazushi Japanese Restaurant	4711 Hope Valley Rd	Restaurant
Renewal	AMF Bowling Centers	4508 Durham Chapel Hill Blvd	Bowling Lane
Renewal	El Rodeo Mexican South	4215 University Dr	Restaurant
Renewal	Sitar India Palace	3117D Shannon Rd	Restaurant
Renewal	Academy Quick Stop	3006 Academy Rd	Convenience Store
Renewal	China Grand Buffet	3720 Mayfair St	Restaurant
Renewal	Town N Country #7	3101 University Dr	Convenience Store
Renewal	Four Square Restaurant	2701 Chapel Hill Rd	Restaurant
Renewal	Doyle's Sports Bar	3219 Chapel Hill Rd	Bar
Renewal	Mayflower Seafood Restaurant #1	3742 Durham Chapel Hill Blvd	Restaurant
Renewal	Homewood Suites	3600 Mt Moriah Rd	Hotel
Renewal	Bandidos Mexican Café	4711 Hope Valley Rd	Restaurant
Renewal	Eastern Lights	425 University Dr	Restaurant
Renewal	Toreros IV Mexican Restaurant	4125 Durham Chapel Hill Blvd	Restaurant
Renewal	Kurama Japanese Seafood Steak House	3644 Chapel Hill Blvd	Restaurant
Renewal	R David Thomas Center	One Science Drive	Conference Center
Renewal	Armadillo Grill on Campus	Bryan Center - Duke University	Restaurant
Renewal	China Express	2223 Highway 54	Restaurant
Renewal	Kroger Limited Partnership I #331	202 W NC 54 HWY	Grocery Store
Renewal	Orient Garden	202 W NC 54 HWY	Restaurant
Renewal	Ruby Tuesday #3185	210 W NC 54 HWY	Restaurant
Renewal	El Dorado Mexican Restaurant #6	4900 HWY 55 Ste 140	Restaurant
Renewal	Jamaica Jamaica	4853 S NC 55 HWY	Restaurant
Renewal	Hope Valley Country Club	3803 Dover Rd	Country Club
Renewal	Food Lion #150	4215 University Dr	Grocery Store
Renewal	Food Lion #1343	2000 Chapel Hill Rd	Grocery Store
Renewal	Food Lion #234	2400 Holloway St	Grocery Store
Renewal	Food Lion #939	4621 Hillsborough Rd	Grocery Store
Renewal	Food Lion #274	4711 Hope Valley Rd	Grocery Store
Renewal	Harris Teeter #140	237 E NC 54 HWY	Grocery Store
Renewal	Red Lobster Restaurant #210	4416 Durham Chapel Hill Blvd	Restaurant
Renewal	Rite Aid #11408	101 Woodcroft Pkwy	Drug Store
Renewal	Rite Aid #11406	1311 NC HWY 54	Drug Stores
Renewal	Chuck E Cheese's	3724 Mayfair St	Restaurant
Renewal	Chili's	4600 Durham Chapel Hill	Restaurant
Renewal	Ye Old Tavern	5504 Durham Chapel Hill Blvd	Bar

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Renewal	Champps American Restaurant	8030 Renaissance Pkwy	Restaurant
Renewal	Pao Lim Asian Bistro	2505 Durham Chapel Hill Blvd	Restaurant
Renewal	Nordstrom	6910 Fayetteville Rd	Restaurant
Renewal	California Pizza Kitchen	6910 Fayetteville Rd	Restaurant
Renewal	Firebirds Rocky Mountain Grill	8030 Renaissance Pkwy	Restaurant
Renewal	Buy and Go Food Mart #3	4161 Old Chapel Hill Rd	Convenience Store
Renewal	Kanki House of Steak	3504 Mt Moriah Rd	Restaurant
Renewal	Maggiano's	8030 Renaissance Pkwy	Restaurant
Renewal	Carniceria Toledo Butcher Shop	2223 E. Highway 54 Ste G & F	Retail Store
Renewal	Hampton Inn & Suites	6121 Farrington Rd	Hotel
Renewal	Kangaroo Express #104	4835 Hope Valley Rd	Convenience Store
Renewal	Zip Mart #3088	4830 Hope Valley Rd	Convenience Store
Renewal	Kangaroo Express #3489	7840 Leonardo Dr	Convenience Store
Renewal	Refectory Café	2 Chapel Drive	Restaurant
Renewal	Phillips 66/Kicks #6312	109 West NC 54 HWY	Convenience Store
Renewal	Tsunami Sushi & Noodles	6118-B Farrington Rd	Restaurant
Renewal	Rockfish Seafood Grill	8030 Renaissance Pkwy	Restaurant
Renewal	PF Chang's China Bistro	6801 Fayetteville Rd	Restaurant
Renewal	Lakewood Amoco	218 Lakewood Dr	Convenience Store
Renewal	Sage and Swift on Campus	209 W Union Bldg, Faculty	Restaurant
Renewal	World Market	6807 Fayetteville Rd	Wine Retailer
Renewal	Ted's Montana Grill	6911 Fayetteville Rd	Restaurant
Renewal	Moe's Southwest Grill	6807 Fayetteville Rd	Restaurant
Renewal	Target Store T-1872	4037 Durham Chapel Hill Blvd	Retail
Renewal	Rockwood Family Fare 402	2000 James St	Convenience Store
Renewal	City Beverage	4810 Hope Valley Rd	Restaurant
Renewal	Grayson's Café	2300 Chapel Hill Rd	Restaurant
Renewal	Kangaroo Express #3101	2229 NC 54 HWY East	Convenience Store
Renewal	Total Wines & More	3615 Witherspoon Blvd	Retail Store
Renewal	Sam's Club #4831	4005 Durham Chapel Hill Blvd	Discount Retailer
Renewal	Wingstop	1839 Martin Luther King Jr Pkwy	Restaurant
Renewal	Kroger	3420 Watkins Rd	Grocery Store
Renewal	Honduras Bar & Restaurant	1121 University Dr	Restaurant
Renewal	Cinelli's Ristorante & Pizzeria	5850 Fayetteville Rd	Restaurant

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Renewal	Wingstop	202 NC 54 HWY	Restaurant
Renewal	Guglhupf Bakery & Patisserie	2706 Durham Chapel Hill	Restaurant
Renewal	Morehead Mini Mart	1601 Morehead Ave	Convenience Store
Renewal	Chai's Noodle Bar & Bistro	2816 Erwin Rd	Restaurant
Renewal	Durham Ale House	3911 Durham Chapel Hill Blvd	Restaurant
Renewal	Hussco #2	1925 Chapel Hill Rd	Convenience Store
Renewal	Shade Tree Coffee	2816 Erwin Rd Ste 201	Restaurant
Renewal	Amante Gourmet Pizza	6209 Falconbridge Rd	Restaurant
Renewal	Durham Catering Company	2512 University Drive	Restaurant
Renewal	Azteca Grill	1929 Chapel Hill Road	Restaurant
Renewal	Pulcinellas Italian Restaurant	4711 Hope Valley Rd	Restaurant
Renewal	Cheesecake Factory Restaurant	8030 Renaissance Pkwy	Restaurant
Renewal	Playa Azul Restaurant	2000 Chapel Hill Rd Ste 14	Restaurant
Renewal	Target Store T-2069	8210 Renaissance Pkwy	Retail Store
Renewal	K-Mart #7340	4215 University Drive	Retail
Renewal	Kangaroo Express #3781	106 NC 54 HWY	Convenience Store
Renewal	Thai Cafe	2501 University Drive	Restaurant
Renewal	Doc Green's	8128 Renaissance Pkwy	Restaurant
Renewal	Tomato Jake's Pizzeria	8202 Renaissance Pkwy	Restaurant
Renewal	Nosh Restaurant	2812 Erwin Rd	Restaurant
Renewal	Panda Inn Chinese Restaurant	4600 Durham Chapel Hill Blvd	Restaurant
Renewal	Red Robin America's Gourmet	5324 Durham Chapel Hill Blvd	Restaurant
Renewal	Rays Billiards	3201 University Drive	Sports Bar
Renewal	Carrabbas Italian Grill	5312 New Hope Commons	Restaurant
Renewal	Piper's Deli	3218 Old Chapel Hill Rd	Restaurant
Renewal	Four Points By Sheraton	7807 Leonardo Drive	Hotel
Renewal	Tonali Restaurant	3642 Shannon Rd	Restaurant
Renewal	Tri Star Mobil	2900 Durham Chapel Hill Blvd	Convenience Store
Renewal	Sunset Grille	5832 Fayetteville Rd	Restaurant
Renewal	Duke Dining/Bon Appetit Catering	Duke University Marketplace East	Restaurant
Renewal	Wine Authorities	2501 University Drive, Suite 6-A	Retail Store
Renewal	Brooklyn Pizzeria	2812 Erwin Rd Ste 103	Restaurant
Renewal	Brandywine Cellars Inc	6905 Fayetteville Rd Ste 101	Retail Store
Renewal	TGI Friday's	2608 Erwin Rd Ste 104	Restaurant
Renewal	Six Plates Wine Bar	2812 Erwin Rd Ste 104	Bar
Renewal	Lone Star Steakhouse & Saloon	5307 New Hope Commons Drive	Restaurant
Renewal	Rick's Diner & Catering, Inc.	4015 University Dr Ste A	Restaurant
Renewal	Bake House Bistro - Southpoint	6905-104 Fayetteville Rd	Restaurant

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New	Twisted Noodles	4201 University Dr	Restaurant
Renewal	Twisted Noodles	4201 University Dr	Restaurant
New	Nasher Museum Café	2001 Campus Drive	Museum
Renewal	Nasher Museum Café	2001 Campus Drive	Museum
New	Peony Asian Bistro	3515 Witherspoon Blvd Suite 108	Restaurant
New	Staybridge Suites of Durham	3704 Mount Moriah Road	Hotel
New	202	6905-202 Fayetteville Rd	Club
New	Twinnies	One Science Drive	Restaurant
New	Harris Teeter #224	1125 West NC HWY 54	Grocery Store
New	Wal Mart Store 2137	5450 New Hope Commons Drive	Retail Store
New	Sushi Love	2812 Erwin Rd Ste 204	Restaurant
New	Rockwood Filling Station	2512 University Drive	Restaurant
		<b>Total PAC 3</b>	<b>149</b>
Renewal	Quality Mart #43	2007 Presidential Dr	Convenience Store
Renewal	Kerr Drug #434	710 Fayetteville Street	Drug Store
Renewal	McDougald Terrace Supermarket	832 Ridgeway Ave	Convenience
Renewal	New Evans Mini Mart Inc.	710 S Alston Ave	Convenience Store
Renewal	Town Deli Grocery #2	1432 E Lawson Street	Convenience Store
Renewal	Quality Mart #34	5203 S Miami Blvd	Convenience Store
Renewal	Tommy's Mini Mart #3	1805 S Miami Blvd	Convenience Store
Renewal	Lakeshore Golf Course	4621 Lumley Rd	Country Club
Renewal	Triangle BP	5202 S Miami Blvd	Convenience
Renewal	BP Lowes Grove	2317 E NC 54 HWY	Convenience
Renewal	Hills Open Air Market	712 S Alston Ave	Convenience Store
Renewal	Zafa Temple #176 Grenadier Club	2312 S Alston Ave	Club
Renewal	Bull City Lodge #317	2311 S. Alston Ave	Club
Renewal	Parkview Mini Mart	433 Pilot St	Convenience Store
Renewal	Town N Country #3	3700 Fayetteville Street	Convenience
Renewal	Evans Food Mart	2500 Fayetteville St	Convenience
Renewal	Bull City Riders MC	1311 S Roxboro St	Club
Renewal	Oh Brian's	4818 NC 55 HWY	Restaurant
Renewal	Ray's Elbow Room	4206 NC 55 HWY	Bar
Renewal	Bombay Grille	2223 E NC 54 HWY	Restaurant
Renewal	Woodcroft Swim & Tennis Club	1203 Woodcroft Pkwy	Club
Renewal	Rudino's Pizza & Grinders	4911 Central Park Ln	Restaurant
Renewal	Residence Inn by Marriott	201 Residence Blvd #236	Hotel

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Renewal	Food Lion #885	1908 Meredith Dr	Grocery Store
Renewal	Harris Teeter #172	1817 Martin Luther King Jr	Grocery Store
Renewal	Rite Aid #11405	3798 Guess Rd	Drug Store
Renewal	Pizza Hut of Triangle Square	2107 E NC 54 HWY	Restaurant
Renewal	World Market	1515 Northpointe Dr	Wine Retailer
Renewal	Courtyard by Marriott	301 Residence Inn Blvd	Hotel
Renewal	Double Tree Guest Suites	2515 Meridian Pkwy	Hotel
Renewal	Exxon Food Shop #16	4706 NC 55 HWY	Convenience Store
Renewal	Sage and Swift Gourmet Catering	2505 Whilden Dr.	Catering
Renewal	Tandoor Indian Restaurant	5410 NC 55 HWY	Restaurant
Renewal	Kroger Limited Partnership I #381	3825 S Roxboro St	Grocery Store
Renewal	Kangaroo Express #838	2503 NC 55 HWY & Riddle Rd	Convenience Store
Renewal	Kangaroo Express #3093	3223 NC 55 HWY	Convenience Store
Renewal	Kangaroo Express #3163	2322 NC 55 HWY	Convenience Store
Renewal	Homewood Suites	4603 Central Park Dr	Convenience Store
Renewal	Carolina Food Mart	1002 N Alston Ave	Convenience
Renewal	Flowers in the Park	5311 S Miami Blvd	Restaurant
Renewal	Phillips 66/Kicks #6330	3308 NC 55 HWY	Convenience Store
Renewal	Forest Hills Family Fare #255	1251 University Dr	Convenience
Renewal	Big Dog Tacos	5311 S Miami Blvd	Restaurant
Renewal	Chili's	6917 Fayetteville Rd	Restaurant
Renewal	Food Lion #2593	3022 Fayetteville St	Grocery Store
Renewal	Thai Lanna Restaurant	5410 NC 55 HWY	Restaurant
Renewal	La Regia Latina Mexican	2601 NC 55 HWY	Restaurant
Renewal	Han Dee Hugo (75)	2104 NC 55 HWY	Convenience
Renewal	Parkwood Convenience	5100 Revere Rd	Convenience
Renewal	Springhill Suites	920 Slater Rd	Hotel
Renewal	Cho Sun Ok Inc	2105 E NC 54 HWY	Restaurant
Renewal	Akashi Japanese Grill and Sushi Bar	2223 E NC 54 HWY	Restaurant
Renewal	Eagle Community Food Mart	1224 Fayetteville Street	Convenience Store
Renewal	The Food Mart #16	4319 NC 55 HWY	Convenience Store
Renewal	Spice & Curry	2105 NC 54 HWY E	Restaurant
Renewal	Wine.Com	2410 Presidential Drive	Wine Retailer
Renewal	Hilton Raleigh Durham	4810 Old Page Road	Hotel
Renewal	Food World	401 E Lakewood Avenue	Grocery Store

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Renewal	Eagle Community Food Mart	1224 Fayetteville Street	Convenience Store
Renewal	Wyndham Garden Hotel Durham	4620 S Miami Blvd	Hotel
Renewal	Time Out Bar & Grill	4310 S. Miami Blvd	Restaurant
Renewal	Shilla Oriental Market	2107 Allendown Drive	Grocery Store
Renewal	Kangaroo Express #3780	3321 NC 55 HWY	Convenience Store
Renewal	Marriott Research Triangle Park Hotel	4700 Guardian Dr	Hotel
Renewal	Food Lion # 2646	2121 TW Alexander Dr	Grocery Store
Renewal	Cruizers #20	1914 Sedwick Rd	Convenience Store
Renewal	In & Out Food Mart	911 Fayetteville Street	Convenience Store
Renewal	Sheetz #398	3021 S Miami Blvd	Convenience Store
Renewal	Roxboro Pure Mart	101 E Cornwallis Rd	Convenience Store
Renewal	Eurest Dining Services	3039 Cornwallis Rd	Restaurant
Renewal	Discount Mart	3011 Fayetteville St	Retail Store
Renewal	Manchesters Grill	2121 TW Alexander Dr	Restaurant
Renewal	Bandidos Mexican Café	2806 S Miami Blvd	Restaurant
Renewal	Taste of the Carribean	908 Fayetteville Street Suite #101	Restaurant
Renewal	Hilton Garden Inn Southpoint	7007 Fayetteville Road	Hotel
Renewal	Carribean Taste and Catering	908 Fayetteville St Suite #101	Restaurant
Renewal	Red Onion Restaurant (The)	826 Fayetteville St Suite #103	Restaurant
New	Buy Quick Food Mart #5	103 W Cornwallis Rd	Convenience Store
Renewal	Buy Quick Food Mart #5	103 W Cornwallis Rd	Convenience Store
New	Wisdom Beverage, LLC	4300 Emperor Blvd Suite #100	Bar
Renewal	Wisdom Beverage, LLC	4300 Emperor Blvd Suite #100	Bar
Renewal	54 West Lounge	2105 HWY 54 Suite B	Lounge
Renewal	54 West Lounge	2105 HWY 54 Suite B	Lounge
Renewal	Papa Mojos Roadhouse LLC	5410 - Y Hwy 55	Restaurant
Renewal	Bralie's Sports Bar	1725 Carpenter Fletcher Rd Unit #108	Bar
Renewal	Bralie's Sports Bar	1725 Carpenter Fletcher Rd Unit #108	Bar
Renewal	9 N 9	2945 S Miami Blvd Ste 102	Restaurant
Renewal	Carino's Italian Grill	6907 Fayetteville Road	Restaurant
New	Mez Contemporary Mexican	5410 Page Road Suite 8	Restaurant
New	Johnson Brothers Carolina Distribution Company	712 Ellis Rd	Retailer

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New	Mr. Wok	4831 South Apex Hwy	Restaurant
New	Compare Foods	1233 University Drive	Grocery Store
New	Compass Wine Group	2423 S. Alston Ave., Unit A	Wine Retailer
New	Triangle Park Pizza	5400 S Miami Blvd., Suite 102	Restaurant
New	Wine Without Borders, LLC	2435 South Alston Avenue	Wine Retailer
New	La Frontera #1	1524 S Miami Blvd	Convenience Store
		<b>Total PAC 4</b>	<b>98</b>
Renewal	Durham Bulls Athletic Park	409 Blackwell St	Restaurant
Renewal	Toreros Mexican Restaurant	800 W Main St	Restaurant
Renewal	El Rodeo Mexican Restaurant #2	905 W Main St	Restaurant
Renewal	Durham Marriott at Civic Center	201 Foster St	Hotel
Renewal	Satisfaction Restaurant & Bar	905 W Main St, Ste 37	Restaurant
Renewal	Carolina Theatre of Durham Inc	309 W Morgan St	Theater
Renewal	Talk of the Town	108 E Main St	Bar
Renewal	Shooters II Inc	827 W Morgan St	Bar
Renewal	Visions	711 Rigsbee Ave	Club
Renewal	James Joyce Irish Pub	912 W Main St	Bar
Renewal	Another Thyme Restaurant & Bar	109 N Gregson St	Restaurant
Renewal	Teasers Palace	315 W Main St	Club
Renewal	Whole Foods	621 Broad Street	Grocery Store
Renewal	Café Parizade	2200 W Main St	Restaurant
Renewal	West Durham BP	1922 W Main St	Convenience
Renewal	Sam's Quick Shop	1605 Erwin Rd	Convenience Store
Renewal	Blue Corn Café	716 Ninth Street	Restaurant
Renewal	Georges Garage	737 Ninth Street	Restaurant
Renewal	Freeway BP	308 S Alston Ave	Convenience
Renewal	Tosca Ristorante Italiano	604 W Morgan St	Restaurant
Renewal	Charlie's Pub & Grille	758 Ninth Street	Bar
Renewal	Savory Fare	908 W Main St	Restaurant
Renewal	Fishmonger's Seafood Mkt	806 W Main St	Restaurant
Renewal	Café Verde	2200 W Main St	Restaurant
Renewal	Sunshine Amoco	601 W Chapel Hill St	Convenience
Renewal	M & M #4	801 N Mangum St	Convenience Store
Renewal	Pops	810 W Peabody St	Club
Renewal	Federal Lounge	914 W Main St	Restaurant
Renewal	Chamas Churrascaria	905 W Main St	Restaurant
Renewal	MarVell Event Center	119 W Main St	Event Cente
Renewal	Symposium Café	318 Blackwell St	Restaurant
Renewal	Mellow Mushroom	410 Blackwell St	Restaurant

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Renewal	Tyler's Restaurant & Taproom	324 Blackwell St	Restaurant
Renewal	Cosmic Cantina	1920 1/2 Perry Street	Restaurant
Renewal	Cinellis Pizza	607 Broad Street	Restaurant
Renewal	Trinity Park Family Fare #432	1016 W. Main Street	Convenience
Renewal	Mt Fuji Asian Bistro Sushi & Bar	905 W Main Street	Restaurant
Renewal	Cafe Zen Asian Bistro & Sushi Bar	406 Blackwell St	Restaurant
Renewal	Metro 8	746 9th Street	Restaurant
Renewal	Piedmont	401 Foster St	Restaurant
Renewal	Rue Cler Restaurant & Bakery	401 E Chapel Hill St	Restaurant
Renewal	Alivia's Durham Bistro	900 W. Main Street	Restaurant
Renewal	Pizza Italia Inc	905 W Main St	Restaurant
Renewal	Bull McCabe's Irish Pub	427 W Main St	Bar
Renewal	Parker and Otis	112 S. Duke Street	Retail Store
Renewal	Wingz and Thingz	102 Hood Street	Restaurant
Renewal	Down Under Pub	802 W Main St	Restaurant
Renewal	Taverna Nikos	905 West Main Street Suite 21A	Restaurant
New	Thompson's Restaurant	1006 E Pettigrew St	Restaurant
New	1013 West Main	1013 W Main St	Restaurant
New	La Cordobesa	1102 Gann Street	Restaurant
		<b>Total PAC 5</b>	<b>51</b>

**SUBJECT: FRIENDS OF WEST POINT PARK**

To discuss whether to direct the City Manager to initiate negotiations on a method to transfer management of West Point on the Eno Park to the N. C. State Parks System.

Robin Jacobs, representing the Eno River Association, stated the board believes strongly that the 60 acres located to the south of West Point Park known as the Black Meadow Ridge property is an important and significant nature area which needs to be protected. She asked that the City take timely action to protect this property and made the following suggestions: the City purchase the property and add it to the park or take the necessary steps to transfer the West Point Park property to the State of the North Carolina to be part of the Eno River State Park and as part of the deal points, the State purchase the Black Meadow Ridge property and add it to the Eno River State Park. She asked Council that in their negotiations with the State and as a part of that process that it would be beneficial to the citizens of Durham if the City would formalize agreements in writing that they have with entities who are currently using the park such as the Eno River Association, School House of Wonders and other organizations that provide services to Durham citizens. She urged the City to take quick action and made comments on the February 2, 2009 grant application deadline.

Avery Henderson, of 804 Clarion Drive, stated the West Point on the Eno Park is a tremendous resource to all the residents of Durham and it cannot be lost. He made comments on how important this park has been to his family and the School House of Wonder. He asked that



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there be stipulations in place when this is sold to the State.

Wayne Poole, of 8815 Allison Road, stated he is in support of protecting the Black Meadow Ridge property, but expressed concern with the City giving the land to the State without considering what it means to the City. He would like to see all the activities continue on at this park and would like the City to maintain part of the land to protect the cultural, nature and history of Durham.

Daniel Clever, representing the Durham Open Space & Trails Commission--DOST, referenced the resolution that DOST endorsed in September and provided clarification. He reported in the Resolution, DOST urged the City to pursue transfer of ownership and management of West Point on the Eno Park to the State, so that the State can also purchase the adjacent Black Meadow Ridge tract, as this seems to be the only option available to preserving it. Also, he asked that this transfer be subject to a Memorandum of Understanding between the State and the City which should preserve the same or similar access by the City and the citizens of Durham to the park. He made comments on the term access commenting on items such as current city programs and activities and current non-city programs. Finally, he stated the term access is also meant to include multi-use trail easements that will form the missing link in the North/South Greenway system which will connect our trails system to the Eno River. He urged the City to pursue this transfer and keep DOST abreast of developments with the transfer and any negotiations.

Janet Warner, representing Friends of West Point Park, made comments on why this property should be preserved commenting on the water quality of the river and the impact any development on this piece of property would have on the creeks, the river and the drinking water. She stated the Friends of West Point Park is in favor of pursuing negotiations for the transfer of the park to the State which is the only viable method of preserving that land presented so far.

Dave Cook, representing School House of Wonder, made comments on the relationship they have had with West Point Park and on the support for the preservation for Black Meadow Ridge.

Beverly Rush, representing Argonne Hills Neighborhood, stated she is in support of all the comments that were made this evening and noted they don't care who owns it because they want this to be the people's park. She stated if there is no other option available, they would like to see the transfer take place.

Kathi Beraton, representing the Ellerbe Creek Watershed Association, stated they support the permanent conservation of this property. She made comments on the impact any development would have on the water quality and soil.

City Manager Bonfield stated this is a citizen's matter that has been brought to the Council for consideration and staff has drafted a suggested motion for Council's consideration which would direct staff to pursue this matter further.

Council Member Ali asked the City Manager is the State interested in working with the City in pursuing this.

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City Manager Bonfield reported staff has not been involved in the negotiations, but Council Members Woodard accompanied by one staff member and Brown have met with State officials. He made comments on the suggested motion that would direct staff to enter into negotiations with the State.

Mayor Bell made comments on the three parties involved in this issue: the City--West Point on the Eno, property owners of Black Meadow Ridge and the State. He stated he was in support of moving forward under the guidelines that safeguards are in place that a certain level of utilization is maintained, the City's interest and that the citizens' comments raised at the Work Session and tonight be taken into consideration.

Council Member Catotti made comments on staff exploring the option of protecting Black Meadow Ridge and stated there may be other options moving forward after staff evaluates the pros, cons, conditions, costs, etc.

Council Member Brown stated he is supportive of this initiative. Regarding the State's interest, he pointed out the State would be interested in this transfer or acquisition only if the City is interested in following through on this issue.

Council Member Clement made comments in support of this motion and during the negotiations, he asked staff to ensure that there is a stipulation in writing that they continue to allow the activities that are presently covered by the use of the West Point on the Eno.

**MOTION** by Council Member Woodard seconded by Council Member Brown to direct the City Manager to initiate negotiations on a method to transfer management of West Point on the Eno Park to the N.C. State Parks System; and

To suspend the proposed zoning of the Ray property for three months was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: POLICE DEPARTMENT THIRD QUARTER CRIME REPORT**

To receive the Police Department's Third Quarter Crime Report.

Police Chief gave a power point presentation on the third quarter 2008 crime report highlighting crime statistics; all index crimes January – September 2005 – 2008 comparisons—lowest total in four years; percentage of crimes by category of all index crimes; all index violent crimes January – September 2008 comparisons—2<sup>nd</sup> highest total in four years; Homicide January – September 2005 – 2008 comparisons—2<sup>nd</sup> lowest total in four years; Rape January – September 2005-2008 comparisons—lowest total in four years; Robbery January – September 2005-2008 comparisons – 2<sup>nd</sup> highest total in four years; Aggravated Assault January – September 2005 – 2008 comparisons—highest total in four years; All Index Property Crimes January – September 2005 – 2008 comparisons—lowest total in four years; Burglary January – September 2005 –

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2008 comparisons—2<sup>nd</sup> lowest total in four years; Larceny January – September 2005 – 2008 comparisons—2<sup>nd</sup> lowest total in four years; Motor Vehicle Theft January – September 2005 – 2008 comparisons—lowest total in four years; Percent of cases cleared—Year-to-date comparisons and percentage change preliminary numbers; Percent of cases cleared—FBI 2007 Cities 100K-250K comparisons; Part 1 Domestic Violence Crimes; and the 1<sup>st</sup> year operation Bull's Eye Highlights.

Council Member Clement made comments on the statistics highlighted in the Bull's Eye Operation stating the need to limit the sale of beer and wine in fragile areas.

Council Member Brown made comments on the turnover within the Police Department referencing a letter dated November 7, 2008 addressed to the City Manager and an article in the *The News & Observer*. He made comments on the vacancies within the City of Raleigh and that there are none in the City of Charlotte. He asked the City Manager to complete an analysis of Charlotte to determine what they are doing to maintain its force.

Police Chief Lopez made comments on the work that is going on with the compression and pay issue within the police department.

Council Member Brown raised a concern with the law relating to individuals stealing copper and commented that he will be working to change the state statute in this upcoming session.

Mayor Bell asked staff will the trend reverse itself as it relates to violent crime.

Police Chief Lopez stated he is hopeful that it will.

Mayor Bell made comments on having a larger community involvement campaign to reduce crime.

Council Member Ali congratulated the Police Chief on the positive outcomes within the Northeast Central Durham around the Bull's Eye area.

Police Chief Lopez shared the pro active measures that the Police Department has taken to help reduce crime in this Northeast Central Durham area and will incorporate these measures in the next presentation.

Council Member Ali discussed the marketing campaign that has taken place in Fayetteville-- leaving a flyer on cars in parking lots indicating that there were electronics, etc. left in the car.

Mayor Pro Tempore Cole-McFadden asked that the County and State legislators be involved in addressing the root causes of crime and treatment.

Council Member Woodard commended the coordinator of the Project Safe Neighborhood and asked the Police Chief to include the expansion of the COP program in other districts in the upcoming budget.

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Council Member Clement asked that the witness protection program be added to the long session of the Legislative Agenda as well as the item noted by Council Member Brown concerning changing the general statutes as it relates to copper theft.

Council Member Brown made comments on the issue of drug abuse and its relationship to precious metals and asked the Chief to provide the names of the individuals who have been arrested for stealing copper and he will try to get them some assistance with their drug problem.

**Note: No action was taken by the City Council on this item.**

**[PUBLIC HEARINGS]**

**SUBJECT: MINI ASSESSMENT ROLL FOR SEWER MAIN ON RIVERMONT ROAD FROM NORTHEAST PROPERTY LINE OF TAX MAP 767-4-17 SOUTHWEST TO THE RIVERMONT ROAD OUTFALL - NATHAN L. AND MELINDA R. STANLEY – 3801 RIVERMONT ROAD**

Engineering and Storm Water Manager Ed Venable stated this mini assessment roll was continued from a previous public hearing and the noted property on Rivermont Road has benefited from the sewer main improvement.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to reconsider the assessment against the property of Nathan L. and Melinda R. Stanley; and

To find that the property, identified as 3801 Rivermont Road, PIN 0803-02-89-5293 has benefited from the sewer main improvement and to confirm the assessment in the amount of \$4,700.00 (grants partial relief in accordance with the Assessment Relief Policy) was approved at 8:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: MINI ASSESSMENT ROLL FOR CURB, GUTTER AND PAVING ON BEEBE DRIVE FROM BARBEE ROAD TO WEST PROPERTY LINE OF TAX MAP 517-1-12A - JENNIFER L. COLE PRESTON - 805 BEEBE DRIVE**

Engineering and Storm Water Manager Ed Venable stated this mini assessment roll was continued from a previous public hearing and the noted property on Beebe Road has benefited from the curb, gutter and paving improvement.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

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**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to reconsider the assessment against the property of Jennifer L. Cole Preston, identified as 805 Beebe Drive, PIN 0729-04-64-6951; and

To find that the property has benefited from the curb, gutter and paving improvement and to confirm the assessment in the amount of \$2,760.60 (grants partial relief) was approved at 8:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT:    MINI ASSESSMENT ROLL FOR WATER AND SEWER LATERALS ON BEEBE DRIVE FROM BARBEE ROAD TO WEST PROPERTY LINE OF TAX MAP 517-1-12A - JENNIFER L. COLE PRESTON - 805 BEEBE DRIVE**

Engineering and Storm Water Manager Ed Venable stated this mini assessment roll was continued from a previous public hearing and the noted property on Beebe Drive has not benefited from the water and sewer laterals improvements at this time and should be relieved of assessments until tap on in accordance with City policy.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to reconsider the assessment against the property of Jennifer L. Cole Preston, identified as 805 Beebe Drive, PIN 0729-04-64-6951; and

To find that the property has not benefited from the water lateral improvement at this time and to relieve the assessment in the amount of \$670.00 with the provision that a future lateral charge will be due and payable at the prevailing rate should the property connect to City water (in accordance with the Assessment Relief Policy) was approved at 8:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT:    MINI ASSESSMENT ROLL FOR WATER MAIN ON BEEBE DRIVE FROM BARBEE ROAD TO WEST PROPERTY LINE OF TAX MAP 517-1-12A - JENNIFER L. COLE PRESTON**

Engineering and Storm Water Manager Ed Venable stated this mini assessment roll was continued from a previous public hearing and the noted property on Beebe Drive has benefited from the water main improvement.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

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**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to reconsider the assessment against the property of Jennifer L. Cole Preston, identified as 805 Beebe Drive, PIN 0729-04-64-6951; and

To find that the property has benefited from the water main improvement and to confirm the assessment in the amount of \$2,001.44 (grants partial relief) was approved at 8:42 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: PROPOSED NINTH STREET PLAN**

Aaron Cain, of the City/County Planning Department, informed Council that the public hearing on this item was continued from the August 18 and October 20, 2008 City Council Meetings and Council requested that staff work with the stakeholders in the community to iron out differences with the plan. He provided Council with the updated draft plan dated November 17, 2008 stating this draft plan is supported by all the stakeholders that staff has been asked to work with. He gave an overview of the plan highlighting the existing Ninth Street compact neighborhood, purpose of the plan, five recommendations to the draft plan: comprehensive plan amendments, use of a hybrid form-based code, transportation recommendations, street re-design and parking recommendations, changes from the August meeting: increased size of core district, pedestrian business district, traffic impact analysis evaluation, parking study; recommendation: staff recommends approval of the plan and even though there have been amendments, the Planning Commission recommended approval of the Plan at its June meeting.

Mayor Bell opened the public hearing.

Relative to the plan, Mayor Bell asked are there dependencies that are depended upon the Department of Transportation relative to street closings.

Aaron Cain, of the City/County Planning Department, reported the City cannot legally close Safeway Street because of the landlock parcel issue and commented on the re-routing of U S Business 70.

Meredith Emmet, of 1301 Alabama Avenue/President of Watts-Hillandale Neighborhood, thanked the City Council and staff for making the Ninth Street Plan a community driven process. She stated this is a plan that meets the three goals--increased density to support future mass transit, support development opportunities for property owners and preserve the unique character of the Ninth Street area. After a lot of input over two years and public meetings, this is a plan that meets these three goals, but it is not perfect. It is a community compromise that best serves the interest of many. She reported the Association is pleased to support the November 17, 2008 plan.

John Schelp, President of the Old West Durham Neighborhood Association, made comments on the negotiations and civic engagements that have taken place regarding the Ninth Street Plan and

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reported the Ninth Street Plan is an agreement that protects Ninth Street and at the same time addresses the concerns raised by the development community.

Terry Sanford, Jr. thanked the Mayor and City Council for allowing the various stakeholders to work together on the Ninth Street Plan for the betterment of Durham and Ninth Street.

Mayor Bell closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden and seconded by Council Member Woodard to receive public comments on the Proposed Ninth Street Plan; and

To adopt the Proposed Ninth Street Plan was approved at 9:02 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: MAJOR SPECIAL USE PERMIT – SOUTHPOINT PROFESSIONAL  
CENTER PHASE II (M0800003)**

To hold a quasi-judicial public hearing to consider a Major Special Use Permit for proposed fill within the special flood hazard area; and

To direct the Planning Director to prepare an order for adoption for 1) approval, 2) approval with conditions or 3) denial or to continue the hearing to a specified later meeting. A draft order for approval with staff recommended conditions will be available at the meeting.

Mayor Bell referenced the quasi-judicial hearing outlined on the agenda. He asked all parties involved to proceed to the clerk's station to be sworn in.

City Clerk Gray swore in the following individuals: Laura Loyek; Becky Ward; Kennon Borden Kelly Culver; Kevin Burke; Patrick Byker; Nathan Harms; I. Jarvis Martin; Daniel Jewell; Melissa Rooney; Steve Medlin; Gene Bradham; Christy Sokal; and Mike Stock.

Mayor Bell asked if any council member needed to withdraw from the hearing due to a conflict which will prevent them from deciding the case in a fair and impartial manner.

No council members acknowledged conflict.

Mayor Bell explained the procedure on cross examining witnesses, submitting evidence into the record, and questions on admissibility being handled by City Attorney.

The hearing was opened by Mayor Bell.

**Testimony from City Staff**

Mike Stock of the City/County Planning Department stated staff requests that the staff report and all attachments and exhibits be entered as a part of the permanent record. He noted that all

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required mail and newspaper notification, along with required posting on the subject site has taken place and on file for review.

Mike Stock presented the following presentation:

Crooked Creek Development, LLC proposes placement of fill to support a portion of the building and parking lot within the floodway fringe of the Federal Emergency Management Administration (FEMA) regulated 100-year floodplain, as shown on the Flood Insurance Rate Map (FIRM) panel number 37200072800J dated May 2, 2006. The proposed development will consist of a 30,000 square foot office building and the parking area consists of 136 parking spaces. The project proposes to fill 0.22 acres in the floodway fringe and future 1%. The remaining land where the building and parking areas on this site are proposed is located outside of the FEMA regulated floodplain. The proposed fill is required to receive approval of a major special use permit per Section 8.4.4D of the Unified Development Ordinance (UDO).

The site is located on a 13.42 acre parcel, accessible from the south by NC Highway 54 and from the north by Crooked Creek Parkway.

The future conditions Base Flood Elevations for this property range from 297.2 to 297.4 feet. The BFE is the water surface elevation that the adjacent stream is expected to reach during the occurrence of the future conditions Base Flood event. The future conditions Base Flood event is the flood having a 1% chance of being equaled or exceeded in any given year based on the complete build out of the watershed as it is zoned. The UDO requires use of the future conditions floodplain where identified for regulatory purposes. The proposed elevation of the lowest of the lowest floor of the building is over seven feet above the future conditions floodplain limits at the location of the proposed fill.

As a reminder, the City Council must make findings of fact under Section 3.9 and 8.4.4D of the Unified Development Ordinance, detailed within the staff report and as follows:

Under 3.9.8, the General findings are:

1. In harmony with the area and not substantially injurious to the value of properties in the general vicinity;
2. In conformance with all special requirements applicable to the use;
3. Will not adversely affect the health or safety of the public; and
4. Will adequately address the review factors identified in Sections 3.9.8B and C.

Additional findings under 8.4.4D.1:

1. The proposed fill or development provides for a better balance between overall efficiency of the site design, and improved conservation elsewhere on the site than would be possible without intrusion into the floodway fringe, non-encroachment area fringe, or Areas of Shallow Flooding (Zone AO); and



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2. The proposed fill or development represents the minimum amount of floodway fringe, non-encroachment area fringe, or Areas of Shallow Flooding (Zone AO) intrusion to achieve this better balance.

Mr. Stock stated staff will provide a recommendation to City Council at the conclusion of testimony for this case.

Mayor Bell asked if there were questions from the council and other parties on the staff report.

There were no questions.

### **Testimony from the Applicant**

Attorney Laura Loyek, representing Crooked Creek Development, stated the project is for Phase II of the Southpoint Professional Center Complex. She stated Phase I was already occupied and Phase III has been approved by DRB and the request is fill 0.22 acres within the floodway fringe in order to support portion of the building and parking for the Phase II project. Attorney Loyek stated this fill will allow the applicant to proceed with its plans and maintain consistency with the already completed Phase I building which was approved prior to there being any FEMA regulated floodplain on the property.

Note: Attorney Laura Loyek provided City Attorney Baker with a power point presentation which was marked as Exhibit #1.

Attorney Loyek stated the applicant will show a number of findings: 1) that the applicant has agreed to a number of measures to offset the flood fringe encroachment and to promote conversation on the site; in addition the project design will enhance efficiency on the site; 2) the project is in harmony with the surrounding area and will have no adverse impact on property values in the area; 3) the project will have no adverse impact on public health and safety; 4) plans for this project satisfy all the review factors under the UDO for special use permits as well as the additional criteria for development within special flood hazard areas; 5) this application meets the specific requirements for fill or development within a floodway fringe because it provides better balance and overall efficiency of site design and improved conservation and represents the minimum amount of intrusion necessary to promote/achieve this better balance. Attorney Loyek referenced the witnesses present to address the issues and based on the evidence presented she stated they will ask that the council approve the major special use permit. She asked that the application also be admitted as part of the record in addition to the staff report and all attachments.

Kennon Borden, a resident of Kimberly Drive, referenced the following: original development plan for Southpoint that was approved February 2000 for 200,000 square feet with mix-used; retail and office space under the zoning ordinance; no floodway area nor floodway fringe on the property when approved as defined by FEMA; redesigning the project to better fit the constraints of the site and better meet the retail and office demands of the South Durham market; reducing the overall density of the project from 200,000 to 148,000 square feet; keeping the original pre-building layout in keeping with the original development plan to maintain the connectivity between the three buildings for pedestrian access; the first building of 54,000 square feet was fully occupied by September 2007; second site plan for Phase II for a 30,000 square foot building; new FEMA maps released, prior to going to DRB for approval, showing a floodway and flood fringe on the property

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for the first time; some of the parking and some of the building for Phase II being located in the new flood fringe area; requesting a LOMR from FEMA to amend the boundaries based upon actual site conditions to reduce the area of fill required; and the new elevation reducing the fill area being approved by FEMA in July of 2008.

Mr. Borden stated their objective was to proceed with Phase II allowing them to ensure consistency with Phase I and execute the overall approved plan to provide the optimum design for the site. He stated the re-orientation of building 2 has not been possible because the building is bounded on its eastern side by 128 foot power easement; bounded on its western side by the stream and bounded on the south by the MTC buffer. He stated these are all physical constraints to the site which has prevented them from moving the building. Mr. Borden referenced the reduction in density by 25 percent and a further reduction in density requiring a new rezoning; proposing the minimum of amount of fill to complete the project [.22 acres]. He commented on their contact with the neighborhood through the entire process and stated the Crooked Creek Neighborhood supporting the rezoning in 2000 and stated in order to offset the minimum amount of fill they have proposed multiple measures to promote conversation on the site. Mr. Borden stated as the owner, any damage that is not anticipated to any of the foundations or retaining walls, they would maintain as the developer [being responsible for maintaining and fixing them]. Mr. Borden thanked the council for their consideration and asked them to improve the site plan and major special use permit.

Dan Jewel, of Coulter, Jewell, Thames, stated his firm has been working on this project since its inception. Mr. Jewel referenced his professional qualifications/experience; the project being compatible and in harmony with the surrounding area; the relationship with the comprehensive plan that has been adopted; their proposal increasing the retail and office space which has been determined to be the most appropriate land use in the area according to the future land use map; proposal being located near similar uses along Crooked Creek Parkway, Highway 54 and Fayetteville Road and on a major thoroughfare and interstate highway; the Phase II building and fill being in conformance with all the applicable requirements of the UDO; Development Review Board's recommendation in December 2007 that the floodway fringe request be approved subject to receipt to a letter of map revision [LOMR] from FEMA before a major special use permit application can be forwarded to the City Council which was received and attached to the application packet; under the old ordinance and under the UDO as originally written the development review board being the final approval authority when site plan was submitted; evidence being provided that proposed fill will not adversely affect adjacent properties; the alteration of the FEMA maps after the project was originally approved no floodplain on the site; project being consistent with the objective that the development of floodplain be allowed in limited strictly regulated and special conditions; the proposal reduces the square footage of building area from the original building plan; the proposed plan reducing the traffic impact; a traffic demand management plan being required and being implemented for Building 1 and will be on the subsequent buildings; bear minimum number of parking spaces being provided in order to reduce the flood fringe impact; all the trash and services areas being located out of the proposed fill; open space and preservation of trees being provided; the area proposed fill is entirely outside of the 100 foot stream buffer [entirely out of any wetland area or buffer – no wetlands impacts associated with this]; plans meeting all the impervious surface limitations; tree coverage area being enhanced through their proposed of mitigation; screening buffering landscaping being met and no encroachment in the stream buffer or the MTC buffer; the area of the fill being internal to the site not abutting adjacent properties; the areas they are proposing to provide a higher level of planting buffering to offset the amount of fill being

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proposed in the floodplain; alternatives designs not being feasible due to the MTC buffer; not being able to do any further reduction in building square footage without coming back for a rezoning; measures they are planning to do to offset the flood fringe fill; and the overall wetland impact on the site being less than what the permit issued by the Department of Natural Resources allows them to do.

In closing, Mr. Jewell stated it was his professional opinion the project will be in harmony with the surrounding areas; compatible with the existing and anticipated uses; consistent with the comprehensive plan and floodplain management program; addresses all the UDO factors as outlined; promote the overall efficiency and improved conservation and is the bear minimum amount of fill required to achieve a balance through the use of retaining walls and minimized fill.

Becky Ward, of Ward Consulting Engineers, addressed the council referencing her qualifications and experience; the study they completed for this particular project relating to the actual flood impact. She stated they looked at the cross sections on the stream area and then projected what would happen once they filled for the building area. Referencing Exhibit 1 she pointed out the area that would be filled from existing conditions. Ms. Ward stated the results of the study show that the maximum rise would be .01 feet; commented on the maximum widening of the floodplain; the buildings and the roadways not being susceptible to any flooding; the buildings and the parking areas being outside of the 100 year flood elevation; ordinary and emergency vehicles having full access; maximum velocity being 3 feet per second in the channel and the over bank is about 7.5 feet per second; vegetation stabilizing the banks in the area thereby protecting the floodplain and the channel; the fill in the floodplain not affecting the duration of flooding; not expecting any flooding to occur to any of the buildings and roadways [possible damage could occur to some of the walls and the owner will be responsible for repairs to the wall].

In conclusion, Ms. Ward stated the proposed project will not have any adverse affects on public health or safety. She stated the application satisfies additional review factors for development in special flood hazard areas.

Laura Loyek asked that Ms. Ward's report be offered as an exhibit.

Mayor Bell asked to hear from the staff regarding their position on the report provided by Ms. Ward. He stated he was more concerned about flooding.

Christy Sokol, of Stormwater Services Division, stated she has received Ms. Ward's report and she concurred with the findings. She stated the minimum increases they are showing are consistent with what one would typically see on this level of development.

City Attorney Baker stated the report entitled "Southpoint Professional Center Phase II Impact Analysis for Floodplain Fill" has been submitted and accepted as Exhibit #2.

At this time, Exhibit #2 was shared with each council member.

Jarvis Martin, of Martin & Company, addressed the council referencing employment; qualifications and experience. Mr. Martin commented on the project being in harmony with the surrounding properties referencing his visit to the site and inspection of the proposed building plans; proposed plans being very similar as the Phase I building; expansion of second building not having any

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adverse impact on the surrounding properties; the very strong apartment market in the area; and, there being no adverse impact from the construction of the second building. Mr. Martin stated it was his professional opinion that the proposed building is in harmony and the proposed minimum infringement in the floodway should not have any adverse affect on any surrounding properties.

Mayor Bell asked if there were questions from the council.

Kelly Culver, representing the Crooked Creek Neighborhood Association, read a letter that was approved by the Crooked Creek Neighborhood Board of Directors supporting Southpoint Professional Center Phase II in their application for a major special use permit to allow fill in a floodway fringe of Crooked Creek for construction of the Southpoint Professional Center Phase II.

Laura Loyek asked that the letter read by Ms. Culver be admitted as Exhibit #3.

City Attorney Baker stated Ms. Culver's letter would be admitted as Exhibit #3.

Ms. Loyek stated their witnesses are available to answer any questions that the council may have. Also, she asked that the resumes of the expert witnesses who spoke be admitted as Exhibit #4.

Mayor Bell stated there has been reference to the retaining wall and if there is any damage, the developer is prepared to take care of it. He asked the applicant what is specifically meant by that [is there a document that would take care of that].

Laura Loyek stated they have not presented a document to that affect, but they have stated in their application that the property owner will be responsible for all maintenance and repairs in the unlikely event that large debris in the creek in a flood event would cause damage.

Mayor Bell asked how is that enforceable.

Laura Loyek stated they would be happy to accept that as a condition of the major special use permit.

Mike Stock, of the City/County Planning Department, asked the applicant to clarify the condition they are proposing.

Laura Loyek referenced page 5 of the attachment to their application which states "the property owner is solely responsible for the maintenance and repair of the retaining walls."

Council Member Brown asked that this language be extended to include subsequent property owners to be responsible.

In closing for the applicant, Patrick Byker gave a summary of their support for the major special use permit referencing the support of the residential neighbors; competent evidence given in support of every requirement in the UDO; testimony from the property owner Kennon Borden; Dan Jewell a registered architect; Becky Ward a professional engineer; Jarvis Martin a state certified appraisal; and Kelly Culver a neighborhood resident and a homeowners' association manager. He commented on the development plan governing this property being approved eight years ago and stated from

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2000 to May 2006 there was no FEMA regulated floodplain on this property. Mr. Byker asked the council to grant the major special use permit.

City Attorney Baker stated the resumes of Dan Jewell; Becky Ward; Jarvis Martin are being admitted as Exhibit #4.

Mayor Bell stated we will now hear from the opposition.

Laura Loyek stated she would like to make a standing objection to any testimony in opposition to the project that relates to matters of expert opinion by individuals who are or not properly qualified as experts.

City Attorney Baker stated he would note the standing objection.

### **Testimony from Opponent**

Melissa Rooney, a resident of Spring Garden Drive and a member of Northeast Creek Stream Watch Organization, referenced a map she received showing over half of the land parcel being in the floodplain; area becoming a floodplain because of the impervious that has accompanied unrestricted development in south Durham; not being able to improve the water problems due to allowing the floodplain to be filled and developed; major problems occurring with water quality and environmental concerns downstream; current development practices in Durham not being sustainable; amount of funds that will be needed to clean up Jordan Lake; permit under consideration hurting water situation in three ways [sediment and pollution that would go into Jordan Lake; by reducing the area for absorbing of grown water the fill would increase flooding and since grown water acts as a reservoir/releasing water into surface streams in times of drought the total available water would be decreased]. She commented on clear cut areas and vacant stores currently at Southpoint's Renaissance Center.

Ms. Rooney stated Durham must protect the natural topography and native trees in order to protect the water supply and asked council to deny the permit request.

Mayor Bell asked if there questions from the council.

Council Member Clement asked the Planning Department to provide information at the upcoming work session on the proposed Adam & Eve Store in the Fayetteville Road area.

Mayor Bell raised questions about the flood maps and what is being proposed.

Becky Ward pointed out where the 100 year floodplain line was without the proposed development and with the development.

Steve Medlin, of the City/County Planning Department, stated the staff was comfortable with the information as submitted by the applicant that the flood levels as indicated are within tolerance.

Dan Jewell commented on the road improvements currently underway at Hwy. 54 and the new driveway connection that the Crooked Creek residents are interested in. He stated no matter what Phase II is that work has to be done as a condition.

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Council Member Catotti asked when was the last 100 year flood.

Christy Sokal stated it was Hurricane Fran around the Eno River Basin.

Council Member Catotti stated she was very concerned about water quality and construction in the floodplain; flood fill; floodway, etc. She stated any pending Jordan Lake Rules and the \$330 million retrofit will have a significant impact on the property values of all of Durham citizens. Council Member Catotti stated she did not support the major special use permit and encouraged the applicant to seek a rezoning that fits the new map. Also, she asked her colleague to stop supporting construction or fill in the floodplain.

Council Member Brown asked the applicant what happens if this is not approved.

Laura Loyek stated ultimately that it not something they have discussed.

Dan Jewell and Becky Ward addressed stormwater and water quality issues that were raised.

The public hearing was closed by Mayor Bell.

### **Staff Recommendation**

Mike Stock, of the City/County Planning Department, stated based upon the testimony provided and documents provided through the application, the staff recommended approval subject to following conditions:

1. The maximum amount of fill shall be 0.22 acres.
2. No encroachment into wetlands shall be permitted.
3. The additional re-vegetation within the stream buffer and MTC buffer shall be substantially consistent with that proposed within the site plan submitted to City Council as part of the application.
4. The proposed building design shall be as proposed to City Council as part of the application, and as described within the staff report as a “back-filled stem wall design”, unless an alternate design is determined by the Floodplain Administrator to provide equal or better performance.
5. The current and subsequent property owners are solely responsible for the maintenance and repair of retaining walls.

Mayor Bell asked the staff to explain what is a “back-filled stem wall design”.

Gene Bradham, Director of City/County Inspections, stated the design that was submitted and approved is the stem wall design [basically it is a retaining wall-the foundation of the building is serving as a retaining wall].

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Council Member Woodard raised concern with the city facing very major issues in the Jordan Watershed and small encroachments into the flood fringe/floodplain, also the lack of assurances from the staff. He stated he would not be supporting the request and stated the applicant needed to seek a rezoning. He stated this would be the sensible thing to do from a structural standpoint; environmental standpoint and in the long run will better serve all needs of the community.

Council Member Brown spoke in support of the major special use permit. He stated the council has heard all the evidence this evening in terms of the real estate values having no negative impact; the neighborhood support; and the study from the Ward Consulting Engineers. He stated the project presents a 25 percent reduction in what could have been built.

**MOTION** by Council Member Brown seconded by Council Member Clement to adopt an order approving the Major Special Use Permit with conditions for Southpoint Professional Center Phase II was approved at 10:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown and Clement. Noes: Council Members Catotti and Woodard. Absent: None.

**Ordinance #13741**

**SUBJECT: MAJOR SITE PLAN AND FLOODPLAIN DEVELOPMENT PERMIT - SOUTHPOINT PROFESSIONAL CENTER PHASE II (D06-348)**

**MOTION** by Council Member Clement seconded by Council Member Brown to approve a major site plan and floodplain development permit for "Southpoint Professional Center Phase II," submitted by Coulter Jewell Thames, P.A. on behalf of Crooked Creek Development LLC, for a 30,000 square foot two-story office/retail building on a 1.5 acre portion of three parcels totaling 13.42 acres, zoned Office Institutional (OI (D) and Falls/Jordan Protected Area (F/J-B) watershed overlay--the property is located at 245 NC 54 Highway on the north side of NC Highway 54, north of I-40, east of Fayetteville Road, and south of Crooked Creek Parkway. PINs include portions of 0728-01-06-5288, 0728-01-06-9305 and 0728-01-16-0792 was approved at 10:42 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown and Clement. Noes: Council Members Catotti and Woodard. Absent: None.

**SUBJECT: HISTORIC LANDMARK DESIGNATION – JOHN O’DANIEL HOSIERY MILL BUILDING (LD0800003)**

Sara Young, of the City/County Planning Department, stated this item was continued from the October 20, 2008 City Council Meeting. She stated at the previous hearing there was a concern regarding one of the criteria referencing the eligibility of the property for a National Register listing. She reported the State Office had provided information that the National Register of Advisory Council had deemed that property was not eligible. She stated for clarification on the ordinance regarding the criteria, the City Attorney’s Office has advised that it is the Historic Preservation Commission that makes that finding rather than the State Office. She reported the

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Historic Preservation Commission had recommended approval of the landmark designation and staff is also recommending approval of the landmark designation.

**MOTION** by Council Member Clement seconded by Council Member Woodard to receive comments on the proposed Historic Landmark designation; and

To adopt an ordinance designating the John O'Daniel Hosiery Mill Building, 801 Gilbert Street (LD0800003), as a Historic Landmark was approved at 10:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13742**

There being no further business to come before the City Council, the meeting was adjourned at 10:44 p.m.

Linda E. Bratcher, CMC  
Deputy City Clerk

D. Ann Gray, MMC  
City Clerk